

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas



United States Courts
Southern District of Texas
FILED

February 14, 2023

Nathan Ochsner, Clerk of Court

United States of America
v.
DANIEL ADAM YELOVICH
YOB: 1999

Case No. **4:23-mj-286**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 5, 2022 on an aircraft in the special aircraft jurisdiction of the United States, namely, on Southwest Airlines Flight 3098 from Chicago, Illinois to Houston, Texas.

: *Code Section*

Offense Description

D.C. Code Section 22-1312

Lewd, indecent, or obscene acts

Title 49, U.S.C., Section 46506(2)

Application of certain criminal laws to acts on aircraft

This criminal complaint is based on these facts:

See attached.

☒ Continued on the attached sheet.

Complainant's signature

Benjamin Pavich, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: February 14, 2023

Judge's signature

City and state: Houston, Texas

Hon. Dena Hanovice Palermo, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Benjamin Pavich, Special Agent of the Federal Bureau of Investigation (FBI), having been duly sworn, do declare and state:

INTRODUCTION

1. This Affidavit is made in support of a Criminal Complaint charging DANIEL ADAM YELOVICH with Indecent Exposure, in violation of D.C. Code Section 22-1312 and Title 49, United States Code, Section 46506(2). The facts set forth in this affidavit are based on my personal knowledge, information I obtained from other individuals during my participation in this investigation, my review of documents and records related to this investigation, and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of showing there is sufficient probable cause for the complaint, I have not included each and every fact known to me.

2. I am a Special Agent of the FBI, and have been since September 2021. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party of interest, and performing other duties imposed by law. In joining the FBI as a Special Agent, I initially spent five months at the FBI training academy in Quantico, Virginia, where I received training in a variety of investigative and legal matters, including criminal procedure and search and seizure, probable cause, and crimes committed in an airport and on-board aircrafts. I have had extensive training in many methods used to commit criminal acts contrary to United States law, including violations of D.C. Code Section 22-1312 and Title 49, United States Code, Section 46506(2).

3. I am conducting a criminal investigation of DANIEL ADAM YELOVICH. On July 5, 2022, it is alleged YELOVICH committed an act of obscene and indecent exposure of his genitals and masturbated in a public place, more specifically, on board Southwest Airlines flight # 3098 which departed Chicago Midway to Houston, Texas. The flight departed Chicago Midway at approximately 5:46 AM and arrived at Houston's Hobby Airport at approximately 8:09 AM.

APPLICABLE LAW

4. Title 49, United States Code, Section 46501(1) & 2(C) provides that any aircraft in flight in the United States is in the special aircraft jurisdiction of the United States.

5. Title 49, United States Code, Section 46506 applies certain federal and state criminal laws to acts committed by individuals on an aircraft in the special aircraft jurisdiction of the United States. In pertinent part, Title 49, United States Code, Section 46506(2), applies D.C. Code Section 22-1312 (formerly D.C. Code 22-1112).

6. D.C. Code Section 22-1312 states, in pertinent part: "It is unlawful for a person, in public, to make an obscene or indecent exposure of his or her genitalia or anus [or] to engage in masturbation ..."

FACTS ESTABLISHING PROBABLE CAUSE

7. The FBI was notified of an alleged indecent exposure and public masturbation which occurred aboard Southwest Airlines flight # 3098 from Chicago Midway to Houston Hobby Airport on July 5, 2022. The aircraft was a Boeing 737 and configured with three seats per each side of the aisle.

Interview of Victim - "Victim A"

8. "Victim A" was a passenger aboard Southwest Airlines flight # 3098 on July 5, 2022. Victim A was seated in seat 30A which was the left-hand window seat. Approximately an hour into the flight, Victim A leaned down to get some food out of the bag beneath the seat in front of her. While leaning down, Victim A noticed YELOVICH, seated in seat 30D which was the right-hand aisle seat, pull his penis and scrotum over the top of his shorts and begin to masturbate. YELOVICH attempted to hide his masturbation by putting his tray table down in front of him. Victim A took out her camera, captured pictures and video of YELOVICH, rang the flight attendant call button, and began yelling at YELOVICH to stop. In the video, YELOVICH is identified as a white male wearing a black t-shirt and blue athletic shorts. Victim 1 showed flight attendants the pictures and video of YELOVICH. Flight attendants then notified the captain of the aircraft of the incident and isolated YELOVICH the remainder of the flight. All other passengers seated in row 30 were asleep and did not witness the incident. Victim 1 provided the FBI pictures and video from the incident.

Houston Police Department (HPD) Incident Report #886684-22

9. HPD Officers arrived at Gate 47 and met with the Southwest Airlines supervisor who briefed officers about the incident. Once YELOVICH exited the plane, HPD officers placed him in custody. YELOVICH denied all actions even after observing the video. YELOVICH told HPD officers he was adjusting himself not masturbating. YELOVICH stated he is not on any medication and does not have any diagnosed mental illnesses.

Additional Information


10. I have reviewed YELOVICH's travel itinerary, provided by Southwest Airlines, and have confirmed YELOVICH was a passenger on the flight. I have also viewed the pictures

and video of the incident which is approximately 22 seconds long. The video depicts Yelovich wearing a black t-shirt and blue athletic shorts sitting in the right-hand aisle seat exposing his penis and scrotum and masturbating.

CONCLUSION

11. Based on the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that on July 5, 2022, DANIEL ADAM YELOVICH committed a violation of Title 49, United States Code, Section 46506(2), in that he committed an intentional act of obscene and indecent exposure of his genitals and engaging in masturbation in a public place, which if committed in the District of Columbia would violate D.C. Code Section 22-1312 (formerly D.C. Code 22-1112).

Respectfully Submitted,



Benjamin Pavich, Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 14th day of February 2023 and I find probable cause.



Hon. Dena Hanovice Palermo
United States Magistrate Judge